

# **EXHIBIT 1**

**RECEIVED**

**MAR 14 2013**

Richards, Brandt  
Miller & Nelson

Trevor A. Bradford, Bar No. 10233  
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*Attorneys for Plaintiffs*

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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CHRISTY BORANDI, and TODD  
BORANDI,

Plaintiffs,

vs.

USAA CASUALTY INSURANCE  
COMPANY,

Defendant.

**PLAINTIFFS' INITIAL DISCLOSURES**

Magistrate Judge: Dustin B. Pead

Civil Case No.: 2:13-CV-00141

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**PREAMBLE:**

The following disclosures are made based upon information now reasonably available to Plaintiffs Christy Borandi and Todd Borandi (collectively "Plaintiffs"). Notwithstanding the following disclosures of witnesses and documents, Plaintiffs reserve the right to object to the actual production of any documents and/or the introduction of any documents into evidence and/or to the testimony of any disclosed witness to the extent that the production of such documents, or the testimony of any such witness is not available, is not relevant, is immaterial, is privileged, is unduly prejudicial, or is protected in any way, or objectionable for any reason under the *Rules of Evidence*, and/or otherwise protected from disclosure under the law.

Plaintiffs specifically reserve the right to raise any applicable objection and/or to seek a protective order and/or motion *in limine* regarding the production of any documents or the testimony of any witness as described or disclosed hereunder. Plaintiffs also reserve the right to include and incorporate any individual, document or thing(s), and/or other information included in any other party's initial disclosure filed pursuant to Rule 26 of the *Rules of Civil Procedure*.

**1. INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

**i. Individuals Likely to Have Discoverable Information:**

Plaintiffs would expect the following individuals to have discoverable information:

(1) **Plaintiff Christy Borandi**, c/o Trevor A. Bradford of Craig Swapp & Associates. Plaintiff Christy Borandi likely possesses discoverable information about the underlying incident, her resulting injuries, her medical treatment and costs, and any of her residual problems. Mrs. Borandi likely possesses discoverable information about the continuing loss in the quality of her daily life, and likely possesses discoverable information on all other material issues raised in the Complaint.

(2) **Plaintiff Todd Borandi**, c/o Trevor A. Bradford of Craig Swapp & Associates. Plaintiff Todd Borandi likely possesses discoverable information about the underlying incident, Plaintiff Christy Borandi's resulting injuries, her medical treatment and costs, and any of her residual problems. Mr. Borandi likely possesses discoverable information about the continuing loss in the quality of Plaintiffs' daily life.

(3) **Defendant USAA Casualty Insurance Company**, c/o S. Baird Morgan of Richards Brandt Miller Nelson. This Defendant likely possesses discoverable information about its insurance contract with Plaintiffs, and about its treatment of Plaintiffs. Discovery is continuing on the subject areas under which this party and/or witness may provide testimony.

(4) **Officer T.A. Rice, Murray Police Department**. This witness likely possesses discoverable information about the underlying collision. Plaintiffs hereby provide notice to Defendant USAA this individual may be called as fact and/or expert witnesses at trial, and may be called upon to offer opinion testimony. Discovery is continuing on the subject areas under which this witness may testify.

(5) Plaintiffs hereby provide notice to Defendant USAA that the following treating, medical/health care providers may be called as fact and/or expert witnesses at trial:

- ☐ **Gold Cross Ambulance**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Alta View Hospital**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Mountain Medical Physicians**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.

- ☐ **Registered Physical Therapists, Inc.**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Sandy Family Practice**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Dr. Karen Olson**, and also any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Utah Spine and Joint**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Dr. Faisal M. Zaman**, and also any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Colorado Rehab and OCC**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Arvada Wheat Ridge Physical Therapy**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Lakewood Imaging Center, (Dry Creek Imaging Center)**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Rose Surgical Center**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.
- ☐ **Evergreen Sports and Spine**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.

- **Leslie Harrington, M.D.**, including any attending/treating physicians, nurses, physical therapists, and/or other technicians and support staff.

These individuals/entities likely possesses discoverable information about their care and treatment of Plaintiff Christy Borandi together with knowledge of their diagnosis, prognosis, and the nature, extent, and cost of expected future medical care. Each of these individuals/entities likely possesses discoverable information about the reasonableness of their care and treatment and the reasonableness of their charges for same and the causation of Plaintiff Christy Borandi's injuries. If applicable to the particular medical provider, he/she likely possesses discoverable information about the nature and extent of Plaintiff Christy Borandi's whole person impairment(s) and her accompanying disabilities.

(6) Plaintiffs reserve the right to identify other expert witnesses consistent with Rule 26 of the *Rules of Civil Procedure*, and the case management order entered in this case.

(7) Plaintiffs reserve the right to call at trial any witness(es), fact and/or expert, identified by Defendant in its initial disclosures and/or during the discovery phase of this action.

Discovery is just beginning and is continuing on the subject areas under which each witness may provide testimony. Accordingly, Plaintiffs reserve the right to delete, change, and/or amend any witness information outlined herein.

ii. **Discoverable Documents & Things:**

Plaintiffs would expect the following documents are relevant to the issues outlined in their Complaint:

- (1) Plaintiff Christy Borandi's medical records and bills related to her treatment for injuries related to the subject incident;
- (2) Investigative documentation, including the police report, etc.; and
- (3) Any documents/exhibits identified by Defendant in their Initial

Disclosures and/or during the discovery phase of this action.

The afore-referenced documents in Plaintiffs' possession are produced herewith as **Exhibit A**, which documents are bates-stamped BOR000001-BOR000240.

Discovery is just beginning and is continuing on the subject areas of discoverable documents. Because discovery is in the early stages, not all exhibits and documents have been discovered. Thus, Plaintiffs are not yet able to identify all of the exact documents/exhibits that are relevant and/or could lead to the discovery of admissible evidence. Plaintiffs reserve the right to amend this list of discoverable documents as discovery continues.

iii. **Categories of Damages:**

While it is too early in the litigation for Plaintiffs to make a precise calculation of all their damages, Plaintiffs expect their damages to include:

- (1) Economic damages, including past medical expenses for Plaintiff Christy Borandi, lost wages and/or loss of earning capacity: at least \$500,586.00;

- (2) Compensatory damages: to be determined; and
- (3) Non-economic damages: for past and future pain and suffering, for Plaintiff Christy Borandi's residual injuries, permanent impairment(s) and/or accompanying disabilities, and for the loss in quality of Plaintiffs' daily lives. Also, loss of consortium for Plaintiffs. The fact finder will determine the amount of these damages.

iv. **Insurance Agreements:**


At this point in time, Plaintiffs do not have access to any insurance agreement that may be liable to satisfy part or all of a judgment which may be entered in the case.

**RESERVATION OF RIGHTS**

These initial disclosures are based on the information reasonably available to Plaintiffs on the date hereof. Plaintiffs specifically reserve the right to supplement these initial disclosures pursuant to the *Rules of Civil Procedure* as may be necessitated by further discovery in this matter.

DATED this 12<sup>th</sup> day of March, 2013.

CRAIG SWAPP & ASSOCIATES

  
TREVOR A. BRADFORD  
Attorneys for Plaintiffs



## **EXHIBIT 2**

Trevor A. Bradford, Bar No. 10233  
**CRAIG SWAPP & ASSOCIATES**  
9980 South 300 West, Suite 400  
Sandy, Utah 84070-9390  
Telephone: (801) 990-1919  
E-mail: TrevorB@craigswapp.com  
*Attorneys for Plaintiffs*

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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CHRISTY BORANDI, and TODD  
BORANDI,

Plaintiffs,

vs.

USAA CASUALTY INSURANCE  
COMPANY,

Defendant.

**PLAINTIFFS'  
FIRST SUPPLEMENTAL  
INITIAL DISCLOSURES**

Judge: STEWART

Civil Case No.: 2:13-CV-00141

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Plaintiffs Christy Borandi and Todd Borandi ("Plaintiffs") hereby provide the following supplemental initial disclosures.

**PREAMBLE**

The following disclosures are made based upon information now reasonably available to Plaintiffs. Notwithstanding the following disclosures of witnesses and documents, Plaintiffs reserve the right to object to the actual production of any documents and/or the introduction of any documents into evidence and/or to the testimony of any disclosed witness to the extent that the production of such documents, and/or the testimony of any such witness is not available, is not relevant, is immaterial, is privileged, is unduly prejudicial, and/or is protected in any way and/or

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objectionable for any reason under the *Rules of Evidence* and/or otherwise protected from disclosure by law. Plaintiffs specifically reserve the right to raise any applicable objection and/or to seek a protective order and/or file a motion *in limine* regarding the production of any documents and/or the testimony of any witness as described or disclosed hereunder. Plaintiffs also reserve the right to include and incorporate any individual, document or thing(s), and/or other information included in any other party's initial disclosure filed pursuant to Rule 26 of the *Rules of Civil Procedure*.

**I. INITIAL DISCLOSURES PURSUANT TO RULE 26(a)(1)**

**A. Individuals Likely to Have Discoverable Information:**

In addition to those individuals previously disclosed, Plaintiffs would expect the following individuals to have discoverable information as disclosed in Plaintiff Christy Borandi's deposition testimony:

1. Marilyn Brown and David Brown, 7907 S. 965 E., Sandy, UT 84094. Mrs. & Mr. Brown are Plaintiff Christy Borandi's parents and likely possess discoverable information about the subject motor vehicle collision ("MVC"), Plaintiff Christy Borandi's resulting injuries, her medical treatment, and any of her residual problems. Mrs. & Mr. Brown likely possess information about Plaintiff Christy Borandi's physical condition prior to the subject MVC. Mrs. & Mr. Brown likely possesses discoverable information about the continuing loss in the quality of Plaintiffs' daily life after the subject MVC.

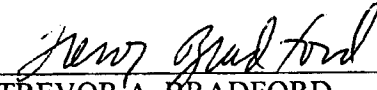
2. Jackie Olsen, 11320 Lovage Way, Parker, CO 80134. Mrs. Olsen is Plaintiff Christy Borandi's daughter and likely possesses discoverable information about the subject MVC, Plaintiff Christy Borandi's resulting injuries, her medical treatment, and any of her residual problems. Also, Mrs. Olsen likely possesses information about Plaintiff Christy Borandi's physical condition prior to the subject MVC. Mrs. Olsen likely possesses discoverable information about the continuing loss in the quality of Plaintiffs' daily life after the subject MVC.
3. Sheralyn Ermel, 1921 W. 13070 S., Riverton, UT 84065. Mrs. Ermel is Plaintiff Christy Borandi's high-school friend and likely possesses discoverable information about Plaintiff Christy Borandi's physical condition prior to the subject MVC. Also, Mrs. Ermel may possess discoverable information about the continuing loss in the quality of Plaintiffs' daily life after the subject MVC.
4. Shawn Smith was the tortfeasor that caused the subject MVC. Mr. Smith is expected to possess knowledge surrounding the underlying collision. Discovery is continuing on the subject areas under which this witness may provide testimony.

#### **RESERVATION OF RIGHTS**

Plaintiffs reserve the right to supplement their initial disclosures pursuant to the *Rules of Civil Procedure* as may be necessitated by further discovery in this matter.

DATED this 23<sup>rd</sup> day of April, 2014.

CRAIG SWAPP & ASSOCIATES

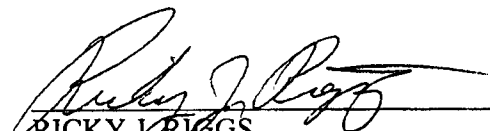
  
TREVOR A. BRADFORD  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused an accurate and correct copy of the foregoing document,  
**PLAINTIFFS' FIRST SUPPLEMENTAL INITIAL DISCLOSURES**, to be served via U.S. First  
Class Mail, postage prepaid, to the following:

S. Baird Morgan  
Kristina H. Ruedas  
RICHARDS BRANDT MILLER NELSON  
299 South Main Street, 15th Floor  
Salt Lake City, UT 84111

DATED this 23<sup>rd</sup> day of April, 2014.

  
RICKY J. RIGGS  
*Paralegal to Trevor A. Bradford, Esq.*